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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,476

02/16/2004

John I. M. Choate

1542

7590

09/12/2007

John Choate
PO Box 9949
Arlington, VA 22219-1949

EXAMINER

HOEKSTRA, JEFFREY GERBEN

ART UNIT

PAPER NUMBER

3736

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

10/780,476

Examiner

Jeffrey G. Hoekstra

Applicant(s)

CHOATE, JOHN I. M.

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 October 2006.
 - (a) ☒ A reply was received on 16 April 2007 (with a Certificate of Mailing or Transmission dated 16 April 2007), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 13 April 2007.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.


Item 7 - Other reasons for holding abandonment:

The proposed reply received on 04/16/2007 apparently included a total extension of time of 3 months which expired on 04/13/2007. The proposed reply was received on 04/16/2007 apparently without a certificate of mailing and was dated after expiration of the maximum statutory period for reply set forth as 04/13/2007 in the Non-Final Office Action mailed 10/13/2006. See MPEP 710.01(a).

The proposed reply included a Petition under 37 CFR 1.183 which was subsequently dismissed for inadequate filing fee funds and not considered on the merits. The Petition Decision was mailed on 08/06/2007 with Applicant's Change of Address entered and made of record.

Applicant in response may submit a Petition under 37 CFR 1.183 for an extension of time fee waiver and a Petition under 37 CFR 1.137 for a Revival of Abandonment.

JH 9/4/07


MONTE HINDERBURG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700